

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARK JOHNSON d/b/a  
JQ SOLUTIONS,

Plaintiff

v.

C-1-11-563

FEDEX/KINKO'S STORE #1726,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 19), plaintiffs' objections (doc. no. 21) and defendant's response (doc. no. 22). The Magistrate Judge recommended that plaintiff's Complaint (doc. no. 6) be dismissed.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present

no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby **ADOPTS AND INCORPORATES BY REFERENCE HEREIN** the Report and Recommendation of the United States Magistrate Judge (doc. no. 19). Defendant's Motion to Dismiss (doc. no. 11) is GRANTED. Plaintiff's Motion to Proceed with Case (doc. no. 13) and plaintiff's Motion for Scheduling Conference (doc. no. 18) are DENIED AS MOOT. Plaintiff's Complaint is DISMISSED.

This case is DISMISSED AND TERMINATED on the docket of this Court.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court